

Notice of Allowability

Application No.

10/088,560

Examiner

Christopher M. Keehan

Applicant(s)

AMOUROUX, NICOLAS

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/2/04.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 0304
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 0304.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DAVID J. BUTTNER
PRIMARY EXAMINER

David Buttner

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Harry Shubin on March 1, 2004.

The application has been amended as follows: in claim 3, "L3 per 2" has been changed to -L3 and 2--. In claim 4, "per 30" has been changed to -and 30-.

The abstract has been replaced with the following abstract:

--The present invention relates to a coated metal surface comprising, successively: a layer (1) of epoxy primer placed next to the metal, a layer (2) of binder comprising 98 to 50 parts by weight of at least one fluoropolymer L3, and 2 to 50 parts, respectively, of at least one polymer chosen from acrylic polymers L1 and polymers L2 which are fluoropolymers chemically modified by a partial dehydrofluorination followed by an oxidation, and a layer (3) of fluoropolymer. According to a first variant, the coating does not comprise the layer (3). According to a second variant, the coating does not comprise the layer of primer (1), and the layer of binder necessarily contains the polymer L2. According to a third variant, the coating does not comprise the layer (2), and the layer (1) comprises a mixture of epoxy primer and polymer L2. --

The following is an examiner's statement of reasons for allowance: a reasonable search of the prior art of record failed to reveal the instantly claimed limitations. Carson et al. disclose a layer of epoxy followed by a layer of fluoropolymer that can also contain other polymers. However, Carson et al. do not teach or disclose a mixture or blend of fluoropolymers, much less fluoropolymers chemically modified by a partial dehydrofluorination followed by an oxidation. Applicant submitted a proper IDS (January 15, 2004) that cited a French document corresponding to a copending, commonly assigned application (09/575368). This application discloses a method of improving adhesion of a fluoropolymer to a metal surface by a method as in the instant application. However, this application does not teach or disclose a blend of fluoropolymers and a primer layer, nor does it teach or disclose mixing an epoxy with the fluoropolymer. Therefore, as Carson et al. do not teach or disclose a modified fluoropolymer or a layer with a blend of fluoropolymers, and 09/575368 does not teach or disclose a blend of fluoropolymers or an epoxy with a fluoropolymer, it does not appear that there exists a case of *prima facie* obviousness concerning these documents.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Keehan whose telephone number is (571) 272-1087. The examiner can normally be reached on Monday-Friday, from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu S. Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Keehan

March 1, 2004


DAVID J. BUTTNER
PRIMARY EXAMINER

